#30 / Appeal Brief
w/ EOT (4)
A. Ellis
6-24-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the U.S. Application of

Charles B. KATZ et al.   Group Art Unit: 2164

U.S. Serial No.: 08/914,789

Filed: August 20, 1997   Examiner: Akers, G.

For: METHOD AND SYSTEM FOR PERFORMING CRA, HMDA, AND FAIR
        LENDING ANALYSIS AND REPORTING FOR A FINANCIAL INSTITUTION

<u>**APPEAL BRIEF**</u>

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Sir:

      This is an Appeal Brief under 37 C.F.R. § 1.192 in connection with the decisions of the

Examiner in a final Office Action mailed on July 15, 2003. Each of the topics required by Rule

192 is presented herewith and is labeled appropriately.

(1)   **Real Party In Interest**

      The real party in interest is Citibank, N.A.

(2)   **Related Appeals And Interferences**

      There are no other appeals or interferences related to this case.

(3)   Status Of Claims

Claims 2-4, 6-10 and 23 are pending and rejected. Claims 2-4, 6-10 and 23 are hereby

appealed.

(4)   Status of Amendments

There are no outstanding amendments.

(5)   Summary Of The Invention

The present invention provides a method and system for collecting, standardizing, and

analyzing lending data from all the offices of a financial institution (e.g., see spec. pg. 4, ll. 26-

30), including information on small business, home equity, motor vehicle, credit card, mortgage,

other secured and unsecured consumer products for commercial, community development, not-

for-profit, and consortium customers (e.g., see spec. pg. 10, l. 31 through pg. 11, l. 3). The

invention enables data collection and analysis in a timely fashion such that interim reports may

be prepared so that changes in lending practices can be implemented to assist with assuring

compliance with the fair lending acts (e.g., see spec. pg. 5, ll. 27-30 through pg. 6, l. 1). A

central repository is linked to all of the offices of the financial institution, and data mapping

features are used to provide standardized reporting so that all data will be reported in a

standardized form (e.g., see spec. pg. 6, ll. 25-31). The system processes, collects and

standardizes information on new loans, renewals, credit line increases and application decisions

for all of the business units within a financial institution. (e.g., see spec. pg. 10. ll. 28-30). The

present invention permits internal management reporting for review of performances against the

CRA and HMDA plans (e.g., see spec. pg. 9, ll. 17-18). It also permits preparation of the reports

for filing with the federal regulatory agencies, such as OCC, FRS and OTS (e.g., see spec. pg. 6,

ll. 21-24). Furthermore, the present invention permits rapid response to federal regulatory

agency audits of reported CRA and HMDA information (e.g., see spec. pg. 6, ll. 12-14).

(6)   Issue

Whether the Examiner's rejection of claims 2-4, 6-10, and 23 under 35 U.S.C. 103(a) as

being unpatentable over Whybrow ("Warehousing Benefits," Banking Technology, May 1995)

in view of CFI Proservice's product "ProActive" (hereinafter referred to as "U"), by Prince, 1995

(hereinafter referred to as "V"), and Business Journal-Portland, 1994 (hereinafter referred to as

"W") and further in view of Gibson (U.S.P. No. 6,259,456) is proper.

(7)   Grouping of Claims

Claims 2-4, 6-10 and 23 stand or fall together for purposes of this appeal.

(8)   Argument

The Rejection of Claims 2-4, 6-10 and 23 Under 35. U.S.C. § 103(a) As Being Unpatentable

over Whybrow in view of Gibson and the U, V, and W references is Not Proper

In the latest Final Office Action dated 7/15/03, the Examiner apparently provided the

same claim rejection found in a previous Office Action dated 2/27/03, which is basically the

same claim rejection found in an even-earlier Office Action dated 2/12/02 but with an added

reference, Gibson, to show the use of "normalization" techniques as being known in the art.

However, as stated in the first Appeal Brief filed on 12/12/02, the references of record failed to show or make obvious not just the claimed "normalization" step but other numerous specific and detailed steps recited in independent Claim 23. In the latest Final Office Action of 7/15/03, the Examiner merely repeated the claim rejection of the previous Office Action of 2/27/03, which is basically the claim rejection of the Office Action of 2/12/02, with the following additional statement,

> Whybrow teaches data analysis which is data parsing. (Office Action dated 7/15/03, p. 8, paragraph 13).

Thus, The Examiner continued to disregard the arguments set forth in the first Appeal Brief and, now, the arguments set forth in the previous Response to Office Action dated 5/27/03 without providing any reasons other than the aforementioned brief but erroneous statement. Therefore, the arguments in the first Appeal Brief are applicable to the latest Final Office Action of 7/15/03 and incorporated by reference herein. Those arguments were further elaborated and expanded in the previous Response dated 5/27/03 and repeated below.

It is respectfully submitted that Whybrow does not teach or suggest the elements of the present application. In the Detailed Action, the Examiner states "Whybrow teaches parsing of data and 'extracting data' (paragraph 3 and paragraph 6, 'collecting' data); as well as parsing (paragraph 3) as well as 'determining differences in data' (paragraphs 3 and 5)." Whybrow does not, however, stand for the propositions that Examiner has stated.

Independent Claim 23 recites in pertinent part "parsing a first portion of the normalized data so as to form parsed data." Whybrow does not mention parsing data, or even an alternative thereof. The Examiner cites paragraph 3 of Whybrow as providing a description of "parsing." Paragraph 3 reads as follows:

As with all of these support trends, it has to be asked whether data warehousing (I'll drop the acronym in case it catches on) actually delivers anything other than a new title for something that people have been happily doing for many years anyway. In essence, data warehousing means putting a single database above a company's existing systems. The warehouse is fed by the underlying systems, data is held in standard, consolidated format, and all management reporting and analysis is then driven from this repository. It all sounds somewhat like the much maligned executive information system of old.

The undersigned representative respectfully requests that the Examiner specifically distinguish which phrase of paragraph 3 refers to the recited element of Claim 23 of the present application. Paragraph 3 does not mention "parsing" and, similarly, neither does the rest of Whybrow. The other references cited by the Examiner provide no further suggestion of "parsing." The Examiner's sole additional statement equating "data analysis" in Whybrow to "data parsing" cannot be said to have properly rebut the numerous arguments set forth in the first Appeal Brief and previous Response to Office Action dated 5/27/03. Indeed, Whybrow's "data analysis" does not perform the actual "data parsing" as claimed.

In fact, Whybrow teaches away from the present application with regards to "parsing." Claim 23 of the present application recites "a first portion" and "a second portion." Whybrow teaches, however, that the "data is held in standard, consolidated format." Paragraph 3, (emphasis added). Consolidated data refers to the concept that data has been combined into a single set of data, rather than "parsing a first portion" and utilizing a second portion. Thus, this suggestion of utilizing consolidated data does not equate with "parsing a first portion."

Furthermore, the Examiner states that Whybrow teaches a method comprising "integrating." The Examiner cites paragraph 7 of Whybrow in support of this proposition. Paragraph 7 of Whybrow reads as follows:

> More than likely, there will be a need for some form of middleware such as Synergo's OpenHub or the SQL Group's Tnformation Junction. (Transaction processing monitors are not particularly appropriate here as they are less functionally rich and have more to do with improved throughput than data conversion.) The incoming and outgoing formats for each data item are defined using tables and parameters within the middleware. This is a fairly slick way of data consolidation but may well have performance implications which may dissuade users from taking in data in real time.

This citation of Whybrow does not teach, or even relate, to the "integrating" elements of the present application. Claim 23 recites in pertinent part:

> ...integrating the currently stored normalized data with the previously stored normalized data so as to form integrated normalized data if the currently stored normalized data differs from the previously stored normalized data;
> integrating the currently stored geo-coded data with the previously stored geo-coded data so as to form integrated geo-coded data if the currently stored geo-coded data differs from the previously stored geo-coded data...

The "data consolidation" of Whybrow is not functionally equivalent to the elements of Claim 23. The Examiner even states that "Whybrow does not specifically recite the step of 'normalizing' the data" and the Examiner does not claim that Whybrow teaches "geo-coding." Without these elements, however, the consolidation in Whybrow cannot function as the present application because the present application integrates normalized data or geo-coded data. Additionally, the present application recites a conditional clause, for example, wherein "if the currently stored normalized data differs from the previously stored normalized data" then the currently stored normalized data is integrated with the previously stored normalized data. Whybrow does not state that conditions must be satisfied before "consolidation." Moreover, those conditions cannot possibly be satisfied by Whybrow because Whybrow does not utilize normalized data or geo-coded data.

Therefore, the undersigned representative believes Claim 23 is in condition for allowance and respectfully requests that the Examiner withdraw the rejection. Additionally, Claims 2-4 and 6-10 are dependent on Claim 23. Because claim 23 is believed to be in condition for allowance, the undersigned representative respectfully requests that the Examiner withdraw the rejections of Claim 2-4 and 6-10.
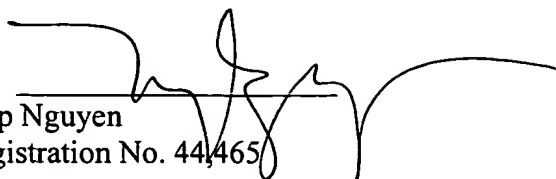
If the Examiner continues to believe that the claim rejection is proper, the undersigned representative requests that the Examiner fully respond to the arguments against the rejection as set forth in the first Appeal Brief and the latest Response to Office Action dated 5/27/03. It is not feasible for the undersigned representative to continually file Appeal Briefs and have the Examiner reopen prosecution of the application with claim rejections that are no different from those stated in previous Office Actions and with scant heed to arguments against such claim rejections.

Conclusion

For at least the reasons given above, the rejection of claims 2-4, 6-10 and 23 is improper. It is respectfully requested that such rejections by the Examiner be reversed and claims 2-4, 6-10 and 23 be allowed. Attached below for the Board's convenience is an Appendix of claims 2-4, 6-10 and 23 as currently pending.

Respectfully submitted,

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(9)   Appendix

2.   The method according to claim 23, further comprising:

transmitting said reports to at least one regulator of the financial institution.

3.   The method according to claim 2, wherein the transmitting of said reports further comprises transmitting the reports on a predetermined date to the at least one regulator.

4.   The method according to claim 2, wherein said regulators include the OCC, FRS, FDIC, and OTS.

6.   The method according to claim 23, wherein the extracting is performed on a regular basis.

7.   The method of claim 6, wherein the regular basis is a monthly basis.

8.   The method of claim 23, wherein said plurality of sources includes branches of the financial institution.

9.   The method according to claim 8, wherein said plurality of sources includes at least one from the group of bankcard processing centers, student loan processing centers, business loan processing centers, and US territorial locations of the financial institution.

10.   The method according to claim 23, wherein said reports include reports required by federal regulators under the fair lending laws.

23. A computer implemented method of storing and compiling data for analysis and reporting regarding a financial institution's compliance with fair lending laws, said method comprising:

extracting first data from a first source wherein the first data is configured in a first format;

extracting second data from a second source wherein the second data is configured in a second format;

reformatting the first data into third data wherein the third data is configured in a universal format;

reformatting the second data into fourth data where the fourth data is configured in the universal format;

normalizing the third and fourth data into normalized data;

parsing a first portion of the normalized data so as to form parsed data;

geo-coding a second portion of the normalized data and the parsed data so as to form geo-coded data;

storing a third portion of the normalized data so as to form currently stored normalized data;

storing the geo-coded data so as to form currently stored geo-coded data;

determining if the currently stored normalized data differs from previously stored normalized data or if the currently stored geo-coded data differs from previously stored geo-coded data;

integrating the currently stored normalized data with the previously stored normalized data so as to form integrated normalized data if the currently stored normalized data differs from the previously stored normalized data;

integrating the currently stored geo-coded data with the previously stored geo-coded data so as to form integrated geo-coded data if the currently stored geo-coded data differs from the previously stored geo-coded data;

preparing reports from either a combination of the integrated normalized data and integrated geo-coded data or from a combination of currently stored normalized data and currently stored geo-coded data.